

Rubicon Urban Renewal Area Plan

September 1979

Amended November 2009

Amended February 2011



City of Dayton • Department of Planning & Community Development
101 West Third Street
Dayton, Ohio 45401

Rubicon Urban Renewal Area Plan

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Appendix A: Supporting Documentation

**Appendix B: City Commission Ordinance Number 30935-09, approved
November 25, 2009**

**Appendix C: City Commission Ordinance Number 31059-11, approved February
2, 2011**

I. Introduction

The Rubicon Urban Renewal Area (URA) is located approximately ¼ mile south of the southern edge of the Central Business District within the University Park planning district. The URA is just south of Stewart Street between Brown Street and Patterson Boulevard, and is composed of land formerly owned by NCR Corporation (NCR).

In total, approximately 56 acres compose the Rubicon URA. The site formerly contained NCR manufacturing, office, and parking uses during the mid- to late 20th Century. The only original NCR building remaining (1529 Brown Street) is currently owned and occupied as office and classroom space by the University of Dayton. A Marriott hotel along Patterson Boulevard and three (3) small office buildings along Main Street are the only other buildings within the URA. The remaining land is used for open space, recreation, and surface parking.

The original Rubicon Urban Renewal Plan was adopted by the City Commission in 1979 shortly after NCR Corporation relocated much of its manufacturing capacity out of the Dayton Region. Many of the existing manufacturing facilities were later demolished to make room for new development. The 1979 Plan called for the area to convert to primarily office, commercial, hotel, and manufacturing uses. Though three elements – the Marriott Hotel along Patterson Boulevard, River Park Drive from Patterson Boulevard to Main Street, and Old River Drive south from River Park Drive – resulted from this original planning effort, very little of the remaining 1979 Plan was ever implemented.

In 2005, the University of Dayton (UD) purchased 49 acres in the Rubicon URA to facilitate an expansion of the UD Campus across Brown Street. In addition, a new City of Dayton Zoning Code was adopted in August 2006, which re-zoned much of the former NCR property (See Map 1). These combined events ultimately led to the decision to re-evaluate the relevancy of the 1979 Rubicon Urban Renewal Plan. To reflect this new reality, the Rubicon URA Plan was amended in November 2009 to facilitate the University's Master Plan and its vision for the area.

However, shortly after the passage of the amended Rubicon URA, UD acquired the former NCR Headquarters at 1700 S. Patterson Boulevard. This acquisition allowed the University to move its highly successful University of Dayton Research Institute (UDRI) from the core of campus to this new facility. Furthermore, in September 2009, then Governor Ted Strickland designated an area stretching between Tech Town and the University of Dayton campus as Ohio's official 'Aerospace Hub for Innovation' to leverage the area's expertise in aerospace research and technologies. With the relocation of UDRI and the Aerospace Hub designation, the University owned lands west of Main Street appear poised for future redevelopment as a center for research & development and light manufacturing. Due to these extraordinary events, it appears potential uses may include uses not previously considered by the University. Therefore, the latest iteration of the Rubicon URA is intended to reflect this new vision for the area west of Main Street.

The ultimate goal of the Rubicon Urban Renewal Plan is to both facilitate the expansion of the University of Dayton campus, support the efforts at UDRI, promote the Aerospace Hub designation, and encourage future redevelopment within the URA, all while creating an environment that complements the existing neighborhood and incorporates appropriate urban design principles.

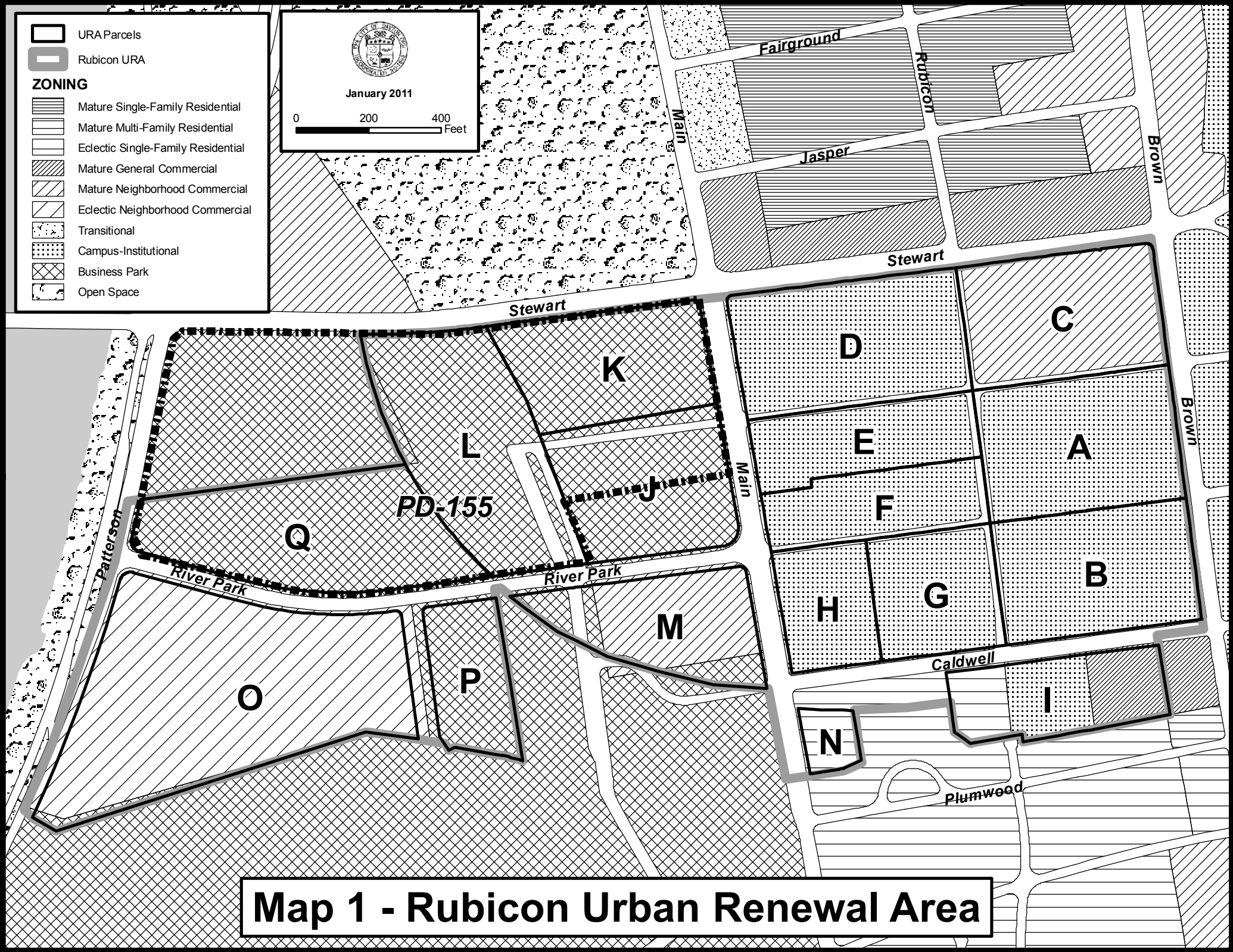
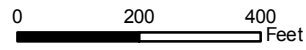
- URA Parcels
- Rubicon URA

ZONING

- Mature Single-Family Residential
- Mature Multi-Family Residential
- Eclectic Single-Family Residential
- Mature General Commercial
- Mature Neighborhood Commercial
- Eclectic Neighborhood Commercial
- Transitional
- Campus-Institutional
- Business Park
- Open Space



January 2011



Map 1 - Rubicon Urban Renewal Area

II. Boundary Description

The boundary of the Rubicon Urban Renewal Area is shown on Map 1 – Rubicon Urban Renewal Area. The boundary is further described as:

The point of beginning being the intersection of south right-of-way line of East Stewart Street and the west right-of-way line of Brown Street;

Thence west along said south right-of-way line to its point of intersection with the west right-of-way line of the CONRAIL trackage, this point being approximately 490 feet east along the south right-of-way of West Stewart Street and its point of intersection with the east right-of-way line of South Patterson Boulevard;

Thence south along said west right-of-way line of CONRAIL to a point approximately 375 feet;

Thence west from said point to a point of intersection with the east right-of-way line of South Patterson Boulevard, this point being approximately 450 feet south along the east right-of-way line of South Patterson Boulevard and its point of intersection with the south right-of-way of West Stewart Street;

Thence south along said east right-of-way approximately 790 feet;

Thence east approximately 1070 feet;

Thence south approximately 100 feet;

Thence east approximately 230 feet;

Thence north approximately 430 feet;

Thence east to a point of intersection with the west right-of-way line of the CONRAIL trackage;

Thence southeast along said west right-of-way to its point of intersection with the west right-of-way of South Main Street;

Thence south along said west right-of-way line approximately 205 feet;

Thence east across South Main Street and continuing 136.4 feet along the south property line of City Lot 40812 to its point of intersection with the interior property line within City Lot 40815;

Thence north along said interior property line 139.19 feet to its point of intersection with the north property line of City Lot 40816;

Thence east along said north property line to its point of intersection with the east property line of City Lot 40819;

Thence south along said east property line to its point of intersection with the north property line of City Lot 40820;

Thence southeast along said north property line to its point of intersection with the north property line of City Lot 40822;

Thence east along said north property line to its point of intersection with the east right-of-way line of Rubicon Road;

Thence south along said east right-of-way line to its point of intersection with the north property line of City Lot 40861;

Thence east along said north property line 401.3 feet to its point of intersection with the east property line of City Lot 40866;

Thence north along an imaginary line parallel to and 135.04 feet west of the west right-of-way line of Brown Street to its point of intersection with the former north right-of-way line of vacated Caldwell Street;

Thence eastwardly along said former right-of-way line to its intersection with the west right-of-way line of Brown Street;

Thence north along said west right-of-way line to its point of intersection with the south right-of-way line of East Stewart Street, this being the point of origin.

III. Relationship to CitiPlan 20/20 and Focus:2010

The amended Rubicon Urban Renewal Plan was developed in accordance with the goals and objectives of the most recent City of Dayton Comprehensive Plan (CitiPlan 20/20) and public policy agenda (Focus: 2010).

CitiPlan 20/20 calls for increased economic activity through the redevelopment, reuse, and revitalization of the City's undeveloped land. The underutilized land within the URA represents a tremendous opportunity to foster economic and educational growth while improving the southern gateway into the City of Dayton. The Rubicon Plan forwards the goals of CitiPlan 20/20 by promoting appropriate land use, increasing land values, and expanding the urban character of the surrounding neighborhood.

In addition, the Rubicon Plan supports the City Commission's short-term (five years) public policy agenda titled 'Focus:2010'. Focus:2010 provides a road map of clear strategies and policies to fulfill the goals and objectives outlined in CitiPlan 20/20. The Rubicon Plan, through its focus on appropriate land use development and maintenance of existing neighborhood character, supports a number of the policy items outlined in Focus:2010 including creating a livable and walkable city, encouraging linked and community development, reclaiming brownfields, and supporting skilled workforce development.

Overall, the Rubicon Plan meets the policy agenda set forth by the City Commission through both CitiPlan 20/20 and Focus:2010.

IV. Urban Renewal Plan Objectives

The Rubicon Urban Renewal Area (URA) represents a strategy to redevelopment lands previously devoted to heavy manufacturing by the NCR Corporation, most of which has since been cleared of manufacturing buildings and left as open space. The original 1979 Rubicon URA Plan called for an area devoted to modern office, commercial, manufacturing and hotel uses. However, with the recent purchase by the University of Dayton, the land use plan for the area must be changed to meet the current and future needs of both the University and the City. The planned redevelopment of the Rubicon URA will result in a combination of commercial retail/office, hotel, residential, institutional, research & development, and light manufacturing land uses (See Map 2). These uses will cohesively and seamlessly blend to create an urban environment befitting of the mixed-use nature of the surrounding neighborhood. The goal of this Plan is to foster a development pattern that complements the existing neighborhood while incorporating appropriate urban design principles.

The objectives of the Rubicon URA shall:

- A. Enable the University of Dayton to redevelop the property in a manner which furthers the mission, goals, and objectives of the University.
- B. Complement the existing neighborhood by providing for the orderly redevelopment of the property through compatible, mixed-use development.
- C. Deter land uses that may prevent nearby land owners from realizing the maximum use of their property.
- D. Provide the design framework which embraces future development that pays particular attention to the scale and design of street and public space patterns, street façades, building massing, and storefront architecture in and around both the University of Dayton campus and the nearby neighborhoods and commercial areas.
- E. Provide a physical environment that facilitates and welcomes all modes of transportation.
- F. Provide guidance for the location of parking facilities.
- G. Support the goals and objectives of the Rubicon Park Master Plan (1999).
- H. Support the goals and objectives of the City of Dayton's latest comprehensive plan: CitiPlan Dayton – The 20/20 Vision.

V. Types of Proposed Renewal Actions

In order to achieve the objectives of the Rubicon URA, the Urban Renewal Plan proposes to facilitate redevelopment within the URA through partnerships between the City of Dayton, University of Dayton, Montgomery County, Southeast Priority Board, Brown-Warren Business Association, University Park

Planning District, and other interested parties. Future development plans do not include acquisition, property assembly, building removal, or building rehabilitation and redevelopment by the City of Dayton. However, the Urban Renewal Plan does not preclude such actions.

As a significant holder of land within the Rubicon URA, the University of Dayton shall partner with the appropriate stakeholders to ensure orderly and harmonious land utilization within the urban renewal area. All redevelopment shall occur within the rules and regulations set forth by the latest amendments to the City of Dayton Zoning Code and all other applicable regulations.

In addition, the Urban Renewal Plan shall provide for the addition or modification of public streets, alleys, and/or rights-of-way to accommodate multi-modal access throughout the Rubicon URA.

VI. Land Use Plan

A. Land Use Map

The proposed land use categories are shown on the generalized land use plan (Map 2). These uses are generally permitted by right or as a conditional use as determined by the underlying zoning district.

B. Land Use Categories

The following land use categories are permitted in the Rubicon URA:

- A. Recreation/Open Space
- B. Residential
- C. Office
- D. Commercial (Retail, Service, and Entertainment)
- E. Institutional
- F. Hotel
- G. Parking
- H. Research & Development
- I. Light Manufacturing

The land use plan outlines a broad base of land use options for redevelopment within the Rubicon URA. It is the objective of the land use plan to achieve a mix of uses which will create broad periods of diverse and, preferably, overlapping land use resulting in pedestrian activity. Land use proposals submitted as part of development proposals shall demonstrate compatibility with neighboring land uses and viability regarding current market conditions. Complementary land uses and resulting activities shall minimize duplication or shifting of existing uses within the immediate market area.

All redevelopment within the Rubicon URA must conform to the most recent City of Dayton Zoning Code, City of Dayton Urban Design Guidelines, and this Urban Renewal Plan.

URA Parcels
 Rubicon URA

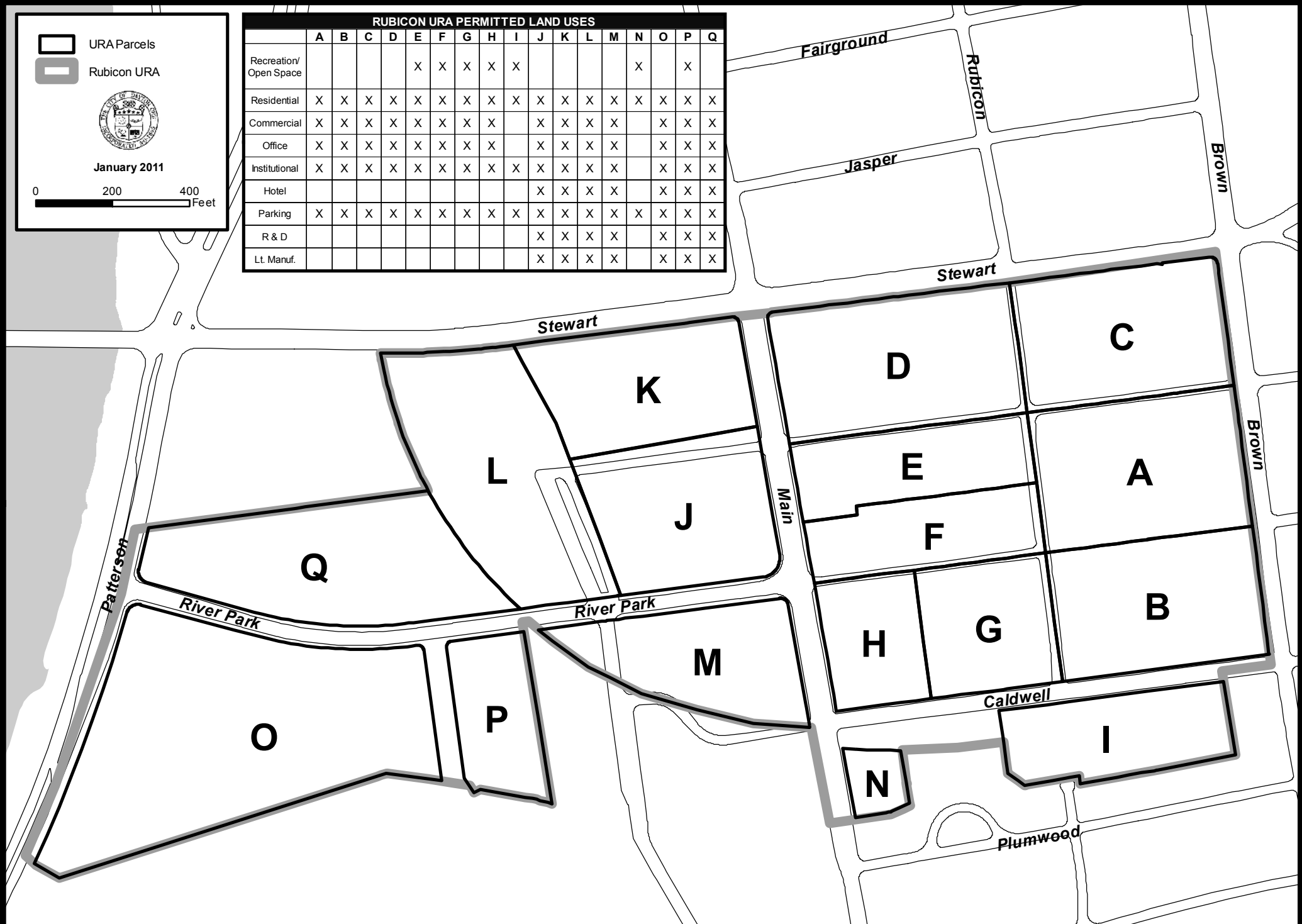


January 2011

0 200 400 Feet

RUBICON URA PERMITTED LAND USES

| | A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q |
|---------------------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Recreation/ Open Space | | | | | X | X | X | X | X | | | | | X | | X | |
| Residential | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Commercial | X | X | X | X | X | X | X | X | | X | X | X | X | | X | X | X |
| Office | X | X | X | X | X | X | X | X | | X | X | X | X | | X | X | X |
| Institutional | X | X | X | X | X | X | X | X | X | X | X | X | X | | X | X | X |
| Hotel | | | | | | | | | | X | X | X | X | | X | X | X |
| Parking | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| R & D | | | | | | | | | | X | X | X | X | | X | X | X |
| Lt. Manuf. | | | | | | | | | | X | X | X | X | | X | X | X |



Map 2 - Rubicon URA Permitted Land Uses

C. Land Use Objectives

The Rubicon URA Urban Renewal Plan applies the following objectives to its permitted land uses:

A. Recreation/Open Space

The Renewal Plan proposes that recreation/open space be allowed where permitted to accommodate the needs of the University of Dayton and the general public. These areas shall be located in a manner that engages the community and allows for passive monitoring during times of inactivity. In addition, activity programming could take place to maximize the use of public spaces and recreational areas, and appeal to a broad cross-section of the public.

B. Residential

The Renewal Plan proposes that residential uses be allowed where permitted to create market rate residential dwellings available to the general public or University-owned housing for the explicit use of registered University of Dayton students. Mixing residential uses with other permitted uses is encouraged within the Rubicon URA to achieve an around-the-clock vitality and provide sustained customer traffic for existing or planned commercial retail, service, and entertainment uses within and nearby the Renewal Area.

C. Commercial (Retail, Service, and Entertainment)

The Renewal Plan proposes complementary, market-driven commercial retail, service, and entertainment uses where permitted that contribute to the existing mix of nearby active commercial clusters. Commercial development shall actively engage pedestrians at street-level while accommodating a mix of residential and office uses occurring on upper floors of such projects. Street-level commercial activity shall also be readily visible to passing motorists.

D. Office

The Renewal Plan proposes that office uses be allowed where permitted to be a contributing function, rather than a dominant function, within the Renewal Area. Mixing office functions within a diverse land use approach for the Renewal Area will help to create daily vitality during both the work week and periods when students are not present on campus. The presence of daytime office workers will help to provide a daily, sustained base of customer traffic to help support commercial retail, service, and entertainment uses within and nearby the Renewal Area.

E. Institutional

The Renewal Plan proposes institutional uses where permitted that further the mission, goals, and objectives of the University of Dayton. Whenever possible, institutional uses shall include a mix of other permitted uses to create additional attraction-based activity which would contribute to the desired pedestrian function and character of the Urban Renewal Area.

F. Hotel

The Renewal Plan proposes hotel uses where permitted. Hotel uses shall consist of those which provide sleeping accommodations for visitors on a daily or weekly basis. Emergency or transitional housing is prohibited.

G. Parking

The Renewal Plan proposes that off-street parking uses be considered within the Renewal Area. Parking is to be provided using sub-surface structured parking, at-grade surface parking, or above grade structured parking within the Rubicon URA. All on-site parking must be provided where permitted. The necessary quantity of parking may be provided through on- or off-site means.

H. Research & Development (R & D)

The Renewal Area proposes research & development uses in support of regional research institutes such as the University of Dayton Research Institute, RFID Center at Tech Town, and the Air Force Research Laboratory at Wright-Patterson Air Force Base. These uses can include both public and private ventures. Research & development can include laboratories, office space, training classrooms, and other similar and/or complimentary uses.

I. Light Manufacturing

The Renewal Area proposes light manufacturing uses to help bring products developed at the region's research institutes to market. All light manufacturing is to occur within an enclosed building, with little to no extensive outdoor storage areas or operations. Light manufacturing can include associated commercial and office uses.

D. *Parcel Redevelopment Standards*

The parcel redevelopment standards set forth the permitted uses, setbacks, and parking location controls that are to be imposed by the Urban Renewal Plan on individual real property within the Renewal Area. All other related standards are regulated by the underlying Zoning District controls. The Redevelopment Standards are written for all parcels in the Renewal Area as illustrated on Map 2.

| Parcel | PARCEL REDEVELOPMENT STANDARDS | | | | |
|--------|--|-----------------------|------|------|--|
| | <i>All other standards are regulated by the underlying zoning designation</i> | | | | |
| | Permitted Uses | Minimum Setback (ft.) | | | Parking Location |
| | | Front | Side | Rear | |
| A | <ul style="list-style-type: none"> • Residential • Commercial • Office • Institutional • Parking | 10 | 10 | 10 | <ul style="list-style-type: none"> • Rear Yard |
| B | <ul style="list-style-type: none"> • Residential • Commercial • Office • Institutional • Parking | 10 | 10 | 10 | <ul style="list-style-type: none"> • Rear Yard |
| C | <ul style="list-style-type: none"> • Residential • Commercial • Office • Institutional • Parking | 0 | 0 | 0 | <ul style="list-style-type: none"> • Rear Yard |
| D | <ul style="list-style-type: none"> • Residential • Commercial • Office • Institutional • Parking | 10 | 10 | 10 | <ul style="list-style-type: none"> • Rear Yard |
| E | <ul style="list-style-type: none"> • Recreation/Open Space • Residential • Commercial • Office • Institutional • Parking | 20 | 10 | 10 | <ul style="list-style-type: none"> • Side Yard • Corner Side Yard • Rear Yard |
| F | <ul style="list-style-type: none"> • Recreation/Open Space • Residential • Commercial • Office • Institutional • Parking | 20 | 10 | 10 | <ul style="list-style-type: none"> • Side Yard • Corner Side Yard • Rear Yard |
| G | <ul style="list-style-type: none"> • Recreation/Open Space • Residential • Commercial • Office • Institutional • Parking | 25 | 10 | 10 | <ul style="list-style-type: none"> • Side Yard • Corner Side Yard • Rear Yard |

| Parcel | PARCEL REDEVELOPMENT STANDARDS | | | | |
|--------|--|-----------------------|------|------|--|
| | <i>All other standards are regulated by the underlying zoning designation</i> | | | | |
| | Permitted Uses | Minimum Setback (ft.) | | | Parking Location |
| | | Front | Side | Rear | |
| H | <ul style="list-style-type: none"> • Recreation/Open Space • Residential • Commercial • Office • Institutional • Parking | 20 | 10 | 10 | <ul style="list-style-type: none"> • Side Yard • Corner Side Yard • Rear Yard |
| I | <ul style="list-style-type: none"> • Recreation/Open Space • Residential • Institutional • Parking | 5 | 10 | 20 | <ul style="list-style-type: none"> • Side Yard • Rear Yard |
| J | <ul style="list-style-type: none"> • Residential • Commercial • Office • Institutional • Hotel • Parking • R & D • Light Manufacturing | 20 | 10 | 10 | <ul style="list-style-type: none"> • Front Yard • Side Yard • Corner Side Yard • Rear Yard |
| K | <ul style="list-style-type: none"> • Residential • Commercial • Office • Institutional • Hotel • Parking • R & D • Light Manufacturing | 20 | 10 | 10 | <ul style="list-style-type: none"> • Front Yard • Side Yard • Corner Side Yard • Rear Yard |
| L | <ul style="list-style-type: none"> • Residential • Commercial • Office • Institutional • Hotel • Parking • R & D • Light Manufacturing | 20 | 10 | 10 | <ul style="list-style-type: none"> • Front Yard • Side Yard • Corner Side Yard • Rear Yard |

| Parcel | PARCEL REDEVELOPMENT STANDARDS | | | | |
|--------|---|-----------------------|------|------|--|
| | <i>All other standards are regulated by the underlying zoning designation</i> | | | | |
| | Permitted Uses | Minimum Setback (ft.) | | | Parking Location |
| | | Front | Side | Rear | |
| M | <ul style="list-style-type: none"> Residential Commercial Office Institutional Hotel Parking R & D Light Manufacturing | 20 | 10 | 10 | <ul style="list-style-type: none"> Side Yard Corner Side Yard Rear Yard |
| N | <ul style="list-style-type: none"> Recreation/Open Space Residential Parking | 5 | 10 | 10 | <ul style="list-style-type: none"> Side Yard Rear Yard |
| O | <ul style="list-style-type: none"> Residential Commercial Office Institutional Hotel Parking R & D Light Manufacturing | 20 | 10 | 10 | <ul style="list-style-type: none"> Front Yard Side Yard Corner Side Yard Rear Yard |
| P | <ul style="list-style-type: none"> Recreation/Open Space Residential Commercial Office Institutional Hotel Parking R & D Light Manufacturing | 20 | 10 | 10 | <ul style="list-style-type: none"> Front Yard Side Yard Corner Side Yard Rear Yard |
| Q | <ul style="list-style-type: none"> Residential Commercial Office Institutional Hotel Parking R & D Light Manufacturing | 20 | 10 | 10 | <ul style="list-style-type: none"> Front Yard Side Yard Corner Side Yard Rear Yard |

E. Bulk Redevelopment Standards

The bulk redevelopment standards set forth controls and standards to be applied equally among all parcels within the Rubicon URA boundary. All other related standards are regulated by the underlying Zoning District controls.

A. Building Orientation

All buildings shall be oriented toward the public street.

B. Parking

Parking is prohibited in the front yard setback for all parcels except Parcels J, K, L, O, P, and Q.

C. Amenities

All appropriate sidewalks, street trees, landscaping, lighting, benches, bike racks, waste receptacles, public art, water features, plazas, and other pedestrian-oriented amenities shall be provided and maintained by the property owner in accordance with the most recent Zoning Code and Urban Design Guidelines. Existing mature street trees shall be maintained wherever possible.

D. Existing Structures and Uses

Once adopted by the City Commission, this document permits any and all primary and accessory structures and uses in existence to continue so long as they remain otherwise lawful and do not constitute a public nuisance.

VII. Land Use Zoning District Changes

No re-zoning of real property pertaining to the Rubicon URA will occur as a result of the Renewal Plan. However, the City of Dayton retains the right to rezone any parcel as necessary to facilitate development and/or protect the public good. Any related zoning text amendments needed to appropriately implement the Renewal Plan will be considered by the Department of Planning and Community Development upon approval of this Plan.

VIII. Duration of Controls

The provision of this plan specifying the land uses for the project area and the regulations and control with respect thereto shall be in effect for a period of forty (40) years from the original date of approval of this plan (September, 1979) by the City Commission of the City of Dayton.

IX. Project Proposals

A. Land Acquisition

Property acquisition shall not be actively pursued by the City of Dayton for property assembly, building removal, or building rehabilitation and redevelopment. All properties shall remain in private ownership. However, this Urban Renewal Plan does not preclude the City of Dayton from performing such actions.

B. Owner's Obligations

A conforming agreement will incorporate provisions for achieving the objectives and requirements of the Urban Renewal Plan. This conforming agreement will be executed between the owner of the property to be redeveloped and the City of Dayton. The owner will be required by the contractual agreement to comply with the land use provisions and building requirements and objectives of the Urban Renewal Plan. He will further be required to submit a development schedule satisfactory to the City of Dayton. In addition, the following provisions will be included in the agreement:

- (a) That the owner will submit to the City a plan and time schedule for the proposed development. The University of Dayton's General Development Plan shall fulfill this requirement.
- (b) That the purchase and/or lease of the land is for the purpose of redevelopment and not for speculation.
- (c) That the redevelopment will be in conformity with the objectives and the provisions of the Urban Renewal Plan.
- (d) That the development of the various parcels will commence and be completed within a reasonable time.
- (e) That the owner and his successors or assigns agree that there will be no discrimination against any person or group of persons on account of race, creed, color, national origin, or ancestry in the sale, lease, sub-lease, transfer, use, occupancy, tenure, or enjoyment of the premises therein controlled by this agreement, nor will the owner himself or any person claiming under or through him establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, sub-lessees, or vendees in the premises covered by this agreement. The above provision will be perpetual and will run with the land and buildings subject to the Urban Renewal controls and Urban Renewal Area of this project.

C. Procedure for Changes in Approved Plan

The Urban Renewal Plan may be modified at any time, provided that if modified after the execution of the conforming agreement in the Urban Renewal Area, the modification

must be consented to by the owner of such real property or his or their successors and interests affected by the proposed modification, and must be approved by the City Commission of Dayton.

Any proposed modification of an Urban Renewal Plan, which, in the opinion of the City Commission will substantially alter the Urban Renewal Plan as previously approved by it, shall be considered as a new Urban Renewal Plan and be subject to all applicable codes, ordinances, and regulations, before it may be approved by the City Commission.

Adopted by City Commission: September 1979

Amendments Approved by City Plan Board: September 2009 & December 2010

Amendments Adopted by City Commission (Ord. 30935-09): November 2009

Amendments Adopted by City Commission (Ord. 31059-11): February 2011

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In cooperation with:

The University of Dayton

Appendix A

Supporting Documentation

Pages 18-26, inclusive, from Rubicon Urban Renewal Plan, approved by the Dayton City Commission, by Ordinance Number 25865, October 10, 1979.

City Commission Ordinance Number 25865, approved October 10, 1979.

PROJECT AREA REPORT

A detailed building conditions survey was conducted by the Architect/Engineering firm of Lorenz & Williams, Incorporated in August 1979. Each of the seven buildings in the project area was surveyed to determine the extent to which the building condition was deteriorated or outmoded; whether the building met present building code requirements; and whether the structure could reasonably be rehabilitated for its present function or adapted for another use.

Four of the seven structures were classified as substandard which qualifies the project area for Urban Renewal activities according to Section 2042 of the City of Dayton's Code of General Ordinances. The buildings and the survey results are summarized below using the NCR building numbering system and are illustrated on Map #5, Structural Conditions.

SUMMARY OF BUILDING CONDITIONS

| <u>Building Number</u> | <u>Classification</u> |
|------------------------|-----------------------|
| 5 | Substandard |
| 14 | Substandard |
| 14A | Substandard |
| 15 | Sound |
| 16 | Sound |
| 25 | Substandard |
| 28 | Sound |

The following pages contain the consultant's survey reports for the substandard structures.

NCR BUILDING NO. 5 - POWER PLANT

1. Building constructed in 1901
2. Building contains approximately 64,000 square feet of space on a ground floor, basement, and subbasement.
3. Building Construction
 - A. Concrete and masonry foundations and bearing walls.
 - B. Unprotected steel columns, beams, and girders.
 - C. Built-up roofing over wood sheathing on unprotected steel roof trusses.
 - D. Doors and windows are wood.
 - E. Stairways to basement and subbasement are of concrete construction. There are three stairs.
4. Building Condition
 - A. Concrete foundation walls show minor degree of cracking evidently caused by expansion and contraction rather than settling. First floor slab shows some spalling on upper and lower surfaces.
 - B. Masonry exterior and interior bearing walls show extensive deterioration of mortar joints at northwest corner of building. Exterior walls show cracks from both movement and settlement. Stone belt course at bottom of masonry walls around perimeter of building is deteriorating from spalling and flaking.
 - C. Wood roof structure consists of wood joists and wood sheathing built-up from unprotected steel trusses. Wood joists and sheathing show decay and deterioration from age and leakage over the life of the building. System requires extensive repair.
 - D. Building finishes, doors, and windows are in reasonable repair for their age and still function.
 - E. Building plumbing systems are deteriorated from age and show extensive rusting and leakage to the degree of requiring replacement.
 - F. Building heating and ventilating systems are deteriorated from age. Piping requires extensive repair and replacement. Insulation deteriorated to the degree requiring replacement. System includes no mechanical ventilation and relies on natural ventilation which does not adequately service basement and subbasement.
 - G. Electrical power and lighting distribution system is outmoded due to age of building and system components. Many system components such as linen-type insulation on wiring are both outmoded and deteriorated to a degree requiring replacement. Present codes would also require extensive revision.

5. Code Considerations

This structure would be classified as Type 3C construction under the present code due to presence of unprotected structural members and wood roof framing. Under this classification, a building the size of Building No. 5, functioning as a power plant, would not be permitted under the present building code.

6. Building Function and Flexibility

Should this building be required to continue functioning as a Power Plant, it would require extensive replacement and/or repair of both the building systems and the power plant systems which are outmoded and deteriorated due to the age of the building.

Should this building be required to serve a different function by its present ownership or by any new ownership, extensive repair and remodeling of the building systems and structure would be necessary to comply with building code requirements.

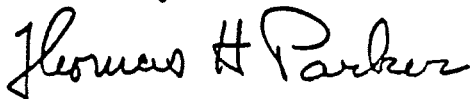
Having been built as a Power Plant, the building has limited flexibility for adaptation to other uses.

7. This building is deemed to be substandard because of the following:

- A. Building plumbing, mechanical, and electrical systems are outmoded and deteriorated.
- B. Does not meet present code requirements for size and construction type.
- C. Has limited flexibility and adaptability.

These conditions exist to the degree that they cannot be remedied at a cost which would be deemed reasonable on today's investment standards.

Submitted by:



Thomas H. Parker, AIA
Principal

THP/cm

NCR BUILDINGS 14 AND 14A - MANUFACTURING BUILDINGS

1. Original building built in 1928; third floor added in 1946; Southeast Wing added in 1947.
2. Buildings contain approximately 406,000 square feet of space on a basement plus six floors.
3. Building Construction

- A. Concrete and masonry foundations and bearing walls.
- B. Unprotected steel columns, beams, and girders.
- C. Floors are wood floors supported on steel beams and girders.
- D. Built-up tar and gravel roof over wood framed deck.
- E. Doors and windows are wood.
- F. Stairways are terrazzo treads on steel framed stairs.
- G. Building has two operable, open freight-type elevators.
- H. Building is sprinklered.

4. Building Condition

- A. General building structural components are adequate and in sound condition.
- B. Buildings' mechanical systems are dependent on heat source from another building requiring replacement. Distribution piping within these buildings requires extensive repair of both piping and insulation. Ventilation is dependent on natural ventilation from windows; no mechanical ventilation system throughout building.
- C. Electrical power and lighting distribution system is outmoded due to age of building and system components. Certain systems components such as linen-type insulation on wiring are both outmoded and deteriorated to a degree requiring replacement. Present codes would require extensive revision.

5. Code Considerations

These structures would be classified as Type 3C construction under the present building code due to the presence of unprotected steel structural members, wood floor framing, and wood roof framing. Under Type 3C construction, buildings of this area size and configuration (six stories) functioning as "Factory and Industrial Use Group" would not be permitted under the present building code.

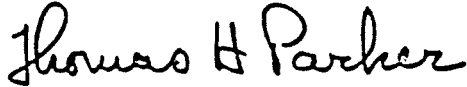
6. Building Function and Flexibility

In as much as these buildings do not meet present codes as described in Paragraph 5 above, they cannot be deemed to properly function as an industrial building or possess any degree of flexibility for other uses.

7. These buildings are deemed to be substandard because of the following:

- A. Buildings do not meet present code requirements for size and construction type.
- B. Buildings require new heat source and distribution repair for mechanical systems.
- C. Buildings require extensive repair and upgrading of electrical power and lighting systems.

Submitted by:

A handwritten signature in black ink that reads "Thomas H. Parker". The signature is written in a cursive, flowing style.

Thomas H. Parker, AIA
Principal

THP/cm

LORENZ & WILLIAMS INCORPORATED
Architects.Engineers.Planners.Interior Designers
August 30, 1979

NCR BUILDING 25 - CAFETERIA BUILDING (RESTAURANT)

1. Original building built in 1936.
2. Building contains approximately 101,000 square feet on basement and two floors.
3. Building Construction
 - A. Concrete foundation walls, masonry exterior bearing walls.
 - B. Unprotected steel columns, beams, and girders.
 - C. Floors are framed with concrete on first floor and wood structures on the second floor.
 - D. Roof is built-up tar and gravel systems on wood framing and deck.
 - E. Doors and windows are wood. Interior partitions are drywall, concrete block, and structural glazed tile.
 - F. Stairs on concrete treads on steel stairs.
 - G. Building has one electric freight elevator.
 - H. Building has sprinkler system.
4. Building Condition
 - A. Cracking evident in foundation walls, some of which are of serious nature requiring extensive repair. Stone belt course at bottom of masonry walls is deteriorating from spalling and flaking. Masonry walls show some serious cracks from settlement or loading which require repair. First floor concrete framing is satisfactory. The portion of the second floor and roof framing that is steel appears to be satisfactory but is unprotected. Roof system is in poor condition to the degree of requiring replacement.
 - B. Building mechanical system is dependent on heat source from another building requiring replacement. Building is partially mechanically ventilated and air-conditioned; relies partially on natural ventilation. Heating distribution system is in fair condition for its age.
 - C. Electric power and lighting distribution system is in fair condition but requires replacement of older linen-insulated type wiring and other electrical devices to meet present day code requirements.
5. Code Considerations

This structure is classified as Type 3C construction under the present code due to the presence of unprotected steel structural members and partial use of wood roof framing in original portions of building. Under Type 3C construction, a building of this area, functioning as a "Restaurant", would not be permitted by the present building code.

6. Building Function and Flexibility

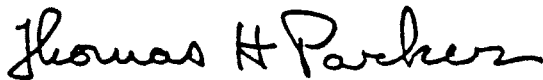
This building's function and flexibility are severely limited by its Type 3C construction classification and would require revision of those building elements putting it in that classification to achieve a reasonable degree of flexibility for a variety of functions.

7. This building is deemed to be substandard because of the following:

- A. Building does not meet present code requirements for size, construction type, and occupancy.
- B. Building requires repair of foundation conditions as herein described.
- C. Building requires repair of masonry wall conditions as herein described.

These conditions exist to the degree that they cannot be remedied at a cost which would be deemed reasonable by today's investment standards.

Submitted by:



Thomas H. Parker, AIA
Principal

THP/cm

PROJECT IMPROVEMENTS REPORT

Pursuant to Section 40.09 (P) of the Revised Code of General Ordinances authorizing the City to undertake certain activities in conjunction with the execution of an Urban Renewal Project, various improvements are proposed for the Rubicon Urban Renewal Area on public rights-of-way within the project area, and at various locations near the project area. The public right-of-way within the project area will be dedicated to the City of Dayton prior to any improvements. The following project improvements are proposed as a part of the Urban Renewal Plan and are illustrated on the Project Improvements Plan, Map #6:

- A. New street construction
 - 1. L Street, South Main to South Patterson Boulevard
 - 2. Access Road, perpendicular to L Street
- B. Existing street upgrading
 - 1. Rubicon Road, Stewart to Caldwell
 - 2. Stewart Street, various locations South Patterson to Brown Street
- C. Intersection upgrading, Stewart and Brown Streets
- D. Railroad track removal, various locations
- E. Landscaping in public right-of-way
- F. Transit stop upgrading, 3 locations

The cost of the above improvements is estimated at \$1,200,000 to be financed through an Urban Development Action Grant (UDAG) from the United States Department of Housing and Urban Development. The application process for the UDAG financing will commence with the approval of the Urban Renewal Plan by City Commission.

RELOCATION PLAN

The Rubicon Urban Renewal Project contains no provision for direct public action which will bring about relocation of individuals, families or businesses within the project area. In addition, no part of the project improvements to be carried out through the Urban Development Action Grant will cause relocation of any of the above.

By Mr. Orick.....

No. 25865.....

AN ORDINANCE

Approving the Urban Renewal Plan for the
Rubicon Urban Renewal Project, and
Declaring an Emergency.

WHEREAS, Under the provisions of Sections 40.07 through 40.21 of the Revised Code of General Ordinances of The City of Dayton, Ohio the City Commission is authorized to undertake Urban Renewal activities for the purposes of redeveloping and rehabilitating slum, blighted, deteriorated and deteriorating areas; and

WHEREAS, There has been prepared and submitted to the Commission a detailed report contained in a document entitled "Rubicon Urban Renewal Area" dated September, 1979 based upon studies made with respect to the location, physical structures, planned use, environmental influences, and social and economic conditions of the project area, which document includes a project area report with data and information to the effect that four of the seven buildings in the project are rated sub-standard to a degree requiring clearance in conformance to the criteria indicated in the aforesaid project area report, and the members of the Commission have been fully apprised of such report and studies and otherwise have independent general knowledge of the facts and conditions existing in the project area which are detrimental to the general welfare of the entire City of Dayton and would substantially prevent, impair or arrest the sound growth of the project area and the surrounding areas and constitute an economic and social liability under present conditions and use; and

WHEREAS, The Comprehensive plan of the City of Dayton has been prepared and is recognized and used as a guide for general development of the locality as a whole; and

WHEREAS, An Urban Renewal Plan consisting of a boundary description, project area report, urban renewal plan and project improvements report entitled "Rubicon Urban Renewal Area" dated September, 1979 was prepared and submitted to this Commission; and

WHEREAS, The City Plan Board which is the duly designated and acting official planning body for the City of Dayton submitted to the Commission its report and recommendation that said Urban Renewal Plan conforms to the comprehensive plan for the City of Dayton as a whole and this Commission duly considered said report, recommendation and certification; and

WHEREAS, After due notice a public hearing on said Urban Renewal Plan was held by the Commission on October 3, 1979, at which time all persons and organizations were provided an opportunity to be heard either in support of or in opposition to said Urban Renewal Plan; and

WHEREAS, Said Urban Renewal Plan for the project area prescribes redevelopment of vacant parcels, and will require among other things the imposition of land use categories, redevelopment standards and design objectives relating to the privately financed redevelopment of land in the project area; and

WHEREAS, The Project area which is presently industrial in character shall be redeveloped for office, commercial, and hotel uses under the Urban Renewal Plan; and

WHEREAS, It is necessary for the immediate preservation of the public peace, property, health and safety that this ordinance take effect at an early date; and

WHEREAS, It is necessary to facilitate and support private investment and redevelopment efforts which are currently being implemented and which are supportive of the Comprehensive Economic Development Strategy of the City of Dayton; now therefore,

Section 1. That this Commission hereby accepts the aforesaid project area report and based not only upon such study and the fact finding and recommendations therein, but also upon the general knowledge and information which the Commission has of the facts and conditions in the project area and their effect upon the health, safety and welfare of the people who work in and own property and otherwise use the aforesaid project area, this Commission hereby finds and determines (1) that four of the seven buildings in the project area are rated substandard to the degree requiring clearance in conformance to the criteria indicated in the aforesaid project area report; and that public acquisition and clearance of the structures in the project area is unnecessary for the reason that this will be accomplished privately.

Section 2. That said Urban Renewal Plan submitted by the City Plan Board for the project has been duly reviewed and considered and is hereby approved and adopted, and the City Manager is directed to file a copy of said Urban Renewal Plan with the minutes of this meeting.

Section 3. That it is hereby found and determined that said Urban Renewal Plan for the project area is feasible and conforms to said comprehensive plan and program for the overall development of the City and to the workable program of the City.

Section 4. That it is hereby found and determined that the objectives of the Urban Renewal Plan can be achieved through redevelopment of the project area.

Section 5. That the redevelopment of the project area for office, commercial and hotel uses is necessary for the proper development of the community.

Section 6. That it is hereby found and determined that the Urban Renewal Plan for the urban renewal area will afford maximum opportunity for the redevelopment of such area by private enterprise.

Section 7. For the reasons stated in the preamble hereof, this ordinance is declared to be an emergency measure and shall take effect immediately upon its passage.

Passed by the Commission..... October 10,....., 1979
Signed by the Mayor..... October 10,....., 1979

James J. [Signature]

September 12, 1979

Ord. # 25865

Report No. _____

Public Hearing: 10-3-79, 7:00 p.m.

NOTICE
Rubicon Urban Renewal Plan - bounded on the N. by Stewart St., on the E. by Brown St., on the W. by S. Patterson Blvd. and on the South the boundary runs through and along NCR property lines... Recommendation - to the Official Zoning Map.

The City of Dayton, Ohio hereby gives notice that a public hearing will be held Wednesday, October 3, 1979, at 7:00 P.M. by the City Commission of the City of Dayton, Ohio in the City Commission Room located on the second floor of the Municipal Building in the City of Dayton, Ohio to consider the adoption of the Rubicon Urban Renewal Plan dated September 1979 by the City of Dayton, Ohio in the following described area, to wit:

That certain area within said City of Dayton, Ohio, generally bounded on the north by Stewart Street, on the east by Brown Street, on the west by South Patterson Boulevard and on the south by a line running through and along NCR Corporation property lines.

The purpose of the public hearing is to consider the adoption of the Rubicon Urban Renewal Plan. Said Plan includes redevelopment standards which set forth the permitted uses and regulations and controls imposed upon real property within the project boundary. Said Plan also includes recommendations for public improvements, such as new street construction, to upgrade the area and facilitate redevelopment efforts.


Any person or organization desiring to be heard will be afforded the opportunity to be heard at this hearing. The proposed Rubicon Urban Renewal Plan and related maps are on file and available for public inspection in the Clerk of Commission Office, Second Floor, Municipal Building, Third and Ludlow Streets, Dayton, Ohio.

By order of the City Commission
Don L. Crawford, Clerk of City
Commission

Approved as to form and legality:

Attest:


City Attorney


Clerk of Commission

Appendix B

**City Commission Ordinance Number 30935-09,
approved November 25, 2009.**

BY MR. Williams

NO. 30935-09

AN ORDINANCE

Amending the Rubicon Urban Renewal Plan.

WHEREAS, On October 10, 1979, by Ordinance No. 25865, the Commission of the City of Dayton approved an Urban Renewal Plan for the Rubicon Urban Renewal Project to eliminate blighted and deteriorated conditions in the Plan area and to prevent the recurrence thereof; and

WHEREAS, In 2005, the University of Dayton purchased forty nine acres in the Rubicon Urban Renewal Plan project area to facilitate the expansion of its campus, and in 2006, the Commission of the City of Dayton adopted a new city wide zoning code and zoning map, and these actions necessitated a review of the continued appropriateness of certain provisions contained in the Rubicon Urban Renewal Plan; and

WHEREAS, The provisions of the Rubicon Urban Renewal Plan have been amended to reflect the recommendations contained in the University of Dayton's 2008 Campus Master Plan, and the land use provisions of the current City of Dayton zoning code and map; and

WHEREAS, The boundaries of the Rubicon Urban Renewal Plan have not been changed and there are no properties designated to be acquired by the City in the amended Rubicon Urban Renewal Plan; and

WHEREAS, The University of Dayton supports the amendments to the Rubicon Urban Renewal Plan; and

WHEREAS, The City Plan Board, the official planning body for the City of Dayton, held a public hearing on September 15, 2009, and reviewed the amendments to the Rubicon Urban Renewal Plan, Case RC-009-2009, and recommended approval of the case at its September 15, 2009, meeting, and submitted to the City Commission its report, recommendation, and certification that the proposed amendments are in conformance with the comprehensive plan and program for the City of Dayton; and

WHEREAS, This Commission has duly considered the report and recommendations of the City Plan Board, City officials and other information available to the Commission pertaining to this proposed amendment to the Plan; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That this Commission finds that (i) the amendments to the Rubicon Urban Renewal Plan will assist in eliminating blighted and deteriorated conditions in the Plan area and preventing the spread and recurrence thereof and (ii) the Plan conforms to the existing comprehensive plan and program for overall development of the City and is otherwise in the best interest of the City.

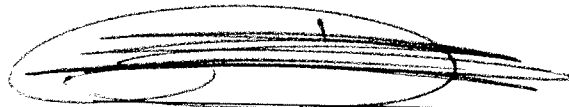
Section 2. That this Commission approves and adopts the amendments to the Rubicon Urban Renewal Plan as contained in Exhibit A attached hereto and incorporated herein.

Section 3. That the City Manager is directed to take all actions necessary to modify the official copies of the Plan with the amendments approved and adopted hereby, and all actions necessary to implement these amendments.

Section 4. That this Commission finds and determines that all formal actions of this Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this Commission and that all deliberations of this Commission and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Passed by the Commission... NOVEMBER 25, 2009

Signed by the Mayor ... NOVEMBER 25, 2009



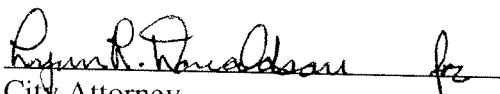
Mayor Rhine McLin, City of Dayton, Ohio

Attest:



Clerk of the Commission

Approved as to form:



City Attorney

Appendix C

**City Commission Ordinance Number 31059-11,
approved February 2, 2011.**

BY MS. Whaley

NO. 31059-11

AN ORDINANCE

Approving the 2011 Amendments to the
Rubicon Urban Renewal Plan.

WHEREAS, On October 10, 1979, by Ordinance No. 25865, the Commission of the City of Dayton approved an Urban Renewal Plan for the Rubicon Urban Renewal Project to eliminate blighted and deteriorated conditions in the Plan area and to prevent the recurrence thereof; and

WHEREAS, In 2005, the University of Dayton purchased forty nine acres in the Rubicon Urban Renewal Plan project area to facilitate the expansion of its campus; and

WHEREAS, On November 25, 2009, by Ordinance No. 30935-09, the Commission of the City of Dayton approved amendments to the Rubicon Urban Renewal Project to reflect the recommendations contained in the University of Dayton's 2008 Campus Master Plan, and the land use provisions of the current City of Dayton zoning code and map; and

WHEREAS, Additional amendments, known as the 2011 amendments to the Rubicon Urban Renewal Plan, are needed to reflect the specific uses the University of Dayton wishes to accommodate on the property it owns in the Rubicon Urban Renewal Plan project area; and

WHEREAS, The boundaries of the Rubicon Urban Renewal Plan have not been changed and there are no properties designated to be acquired by the City by the 2011 amendments to the amended Rubicon Urban Renewal Plan; and

WHEREAS, The University of Dayton supports the 2011 amendments to the Rubicon Urban Renewal Plan; and

WHEREAS, The City Plan Board, the official planning body for the City of Dayton, held a public hearing on December 7, 2010, and reviewed the 2011 amendments to the Rubicon Urban Renewal Plan, Case RC-012-2010, and recommended approval of the case at its December 7, 2010, meeting, and submitted to the City Commission its report, recommendation, and certification that the proposed 2011 amendments are in conformance with the comprehensive plan and program for the City of Dayton; and

WHEREAS, This Commission has duly considered the report and recommendations of the City Plan Board, City officials and other information available to the Commission pertaining to this proposed amendment to the Plan; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That this Commission finds that (i) the 2011 amendments to the Rubicon Urban Renewal Plan ("Plan") will assist in eliminating blighted and deteriorated conditions in the Plan area and preventing the spread and recurrence thereof and (ii) the Plan conforms to the

existing comprehensive plan and program for overall development of the City and is otherwise in the best interest of the City.

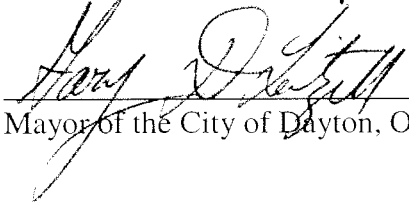
Section 2. That this Commission approves and adopts the 2011 amendments to the Rubicon Urban Renewal Plan as contained in Exhibit A attached hereto and incorporated herein.

Section 3. That the City Manager is directed to take all actions necessary to modify the official copies of the Plan with the 2011 amendments approved and adopted hereby, and all actions necessary to implement these amendments.

Section 4. That this Commission finds and determines that all formal actions of this Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this Commission and that all deliberations of this Commission and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Passed by the Commission FEBRUARY 9, 2011

Signed by the Mayor FEBRUARY 9, 2011



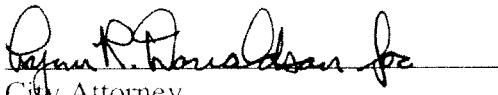
Mayor of the City of Dayton, Ohio

Attest:



Clerk of the Commission

Approved as to form:



City Attorney